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### Henry Goudy & Corroboration

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## The Edinburgh Legal History Blog

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Posted on 06/02/2014 by [John Cairns](#)

As Members of the Justice Committee of the Scottish Parliament suggest ditching the SNP Government's controversial plans to get rid of the traditional rule on corroboration, it is worth recalling an earlier Scots lawyer's reaction to the lack of a requirement of corroboration.

On Wednesday 12 May 1897, the Prince of Wales had visited Oxford. A number of undergraduates and one Fellow of a College – no less an individual than the brilliant F.E. Smith of Merton, later Lord Birkenhead – were arrested for various public order offences, including being drunk and disorderly, assault on a police officer, and obstruction. The City Magistrates spent several hours dealing with the prosecutions on 14 May. Among the spectators at the court was Henry Goudy, a Scots advocate, son of an Ulster Presbyterian minister, then Regius Professor of Civil Law in Oxford.

Goudy is best known for his classic treatise on bankruptcy. He had served in Scotland as an advocate depute, and also acted as defence counsel on occasion. On 15 May he wrote to The Times. He explained that he thought the police largely to blame for the major disturbance through aggressive policing. He noted that “[i]n one case a conviction was obtained upon the wholly uncorroborated testimony of a single constable, which though technically warranted by the English law of evidence, struck me, as one accustomed to procedure in another jurisdiction as very unsatisfactory.” He added that “[e]very one trained in the practice of criminal Courts knows how dangerous it is to accept as conclusive the unsupported testimony of police constables”.

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